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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/425,736	10/22/1999	YUSAKU FUJII	991176	9951
38834 7590 03/28/2008 WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP 1250 CONNECTICUT AVENUE, NW SUITE 700 WASHINGTON, DC 20036				
EXAMINER KHOSHNOODI, NADIA				
ART UNIT 2137		PAPER NUMBER		
MAIL DATE 03/28/2008		DELIVERY MODE PAPER		

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1 RECORD OF ORAL HEARING
2
3 UNITED STATES PATENT AND TRADEMARK OFFICE
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5
6 BEFORE THE BOARD OF PATENT APPEALS
7 AND INTERFERENCES
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10 *Ex parte* YUSAKU FUJII and TAKASHI SHINZAKI
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13 Appeal 2008-0362
14 Application 09/425,736
15 Technology Center 2100
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18 Oral Hearing Held: February 14, 2008
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21 Before JAMES D. THOMAS, ALLEN R. MACDONALD, and
22 JAY P. LUCAS, *Administrative Patent Judges*.
23

24 ON BEHALF OF THE APPELLANTS:
25

26 THOMAS E. BROWN, ESQ.
27 Westerman, Hattori, Daniels & Adrian, LLP
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30

31 The above-entitled matter came on for hearing on Thursday,
32 February 14, 2008, commencing at 9:30 a.m., at the U.S. Patent and
33 Trademark Office, 600 Dulany Street, 9th Floor, Hearing Room A,
34 Alexandria, Virginia, before Lori B. Allen.
35

36 PROCEEDINGS

37 JUDGE THOMAS: Good morning, Mr. Brown.

1 MR. BROWN: Good morning.

2 JUDGE THOMAS: Do you know how this procedure works at the
3 Board?

4 MR. BROWN: I've been up here 86 times. Unless it's changed I
5 should be okay.

6 JUDGE THOMAS: Okay. You can just use that clock as a guide for
7 your time. 20 minutes, okay? You can proceed at any time.

8 MR. BROWN: May it please the court, the present invention is
9 directed towards an illegal access discriminating apparatus, and this is
10 different from your typical apparatus that does authentication. But,
11 basically, what we're doing here is that we're monitoring or looking at the
12 actual user I.D. and the organic information. So this is two types of
13 authentication we're looking at.

14 So it usually has to enter user I.D. and organic information. Organic
15 information can be signature, Radnor or Bingham Prand.

16 JUDGE MACDONALD: Excuse me. You don't have to walk
17 through this discussion, because we went over this yesterday, and this is our
18 understanding. Everything you're covering is redundant to our current
19 understanding of the invention. So you can move right into your arguments
20 if you would.

21 MR. BROWN: Okay. Great. Great.

22 Basically, our argument is that the primary reference of Moussa fails
23 to disclose the features of claim 1 regarding a second storing adjunct,
24 restoring pairs of I.D. information, information which were input in a
25 predetermined time. And basically also fails to disclose, we believe the next

1 feature of claim 1 also discloses claim 12 regarding comparing the collating
2 unit.

3 Again, as I was saying previously, what we're trying to do here is
4 we're trying to look at the actual information that's being inputted. And then
5 we're storing that information so that subsequently when the user comes in
6 and he enters in user I.D. and organic information, we're not looking and
7 checking whether that information is being authenticated with regard to
8 some type of server or data base or authentication. We're looking at it and
9 seeing comparing it to other information that was previously inputted by the
10 user. And that's the difference between what we're doing and what the
11 implied reference of Moussa is doing.

12 Basically, again, Moussa uses double authentication or even triple
13 authentication. You have the user password Q. And then you have the
14 physical token that it also talks about, handwriting, a signature that's
15 inputted. So there is, you know, triple authentication, double authentication,
16 and there is organic information.

17 That's granted in the user I.D., but Moussa is just concerned with
18 authenticating the user with the authentication data base. And it uses a
19 complex system of taking the inputted password Q, advise the budget index
20 values, budgeted additional index value NO, and then what it does after that,
21 it authenticates the physical token in the data block. It takes a fingerprint
22 from the physical token, authenticates a database.

23 JUDGE MACDONALD: Again, let me ask. We've read through the
24 reference and our understanding is it corresponds in your figure 1 what
25 would essentially be the prior art, the top half of the drawing. And we

1 understand it doesn't include anything from the bottom half of the drawing,
2 which is essentially the invention.

3 MR. BROWN: Well then, exactly. Oh, great.

4 JUDGE MACDONALD: Do you have anything else you'd like to
5 add?

6 MR. BROWN: No. Have a great day, though.

7 JUDGE THOMAS: Yeah? Have a good day.

8 MR. BROWN: Thank you so much.

9 [The hearing was concluded at 9:40 a.m.]

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